

JS 44 (Rev. 07/16)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Black, Justin, R.

(b) County of Residence of First Listed Plaintiff Thurston County, Wash.  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Darren Patin, Pandit Law, LLC  
701 Poydras Street, Suite 3950 New Orleans, La 70139  
(504) 313-3800

**DEFENDANTS**

EnSCO International, Inc.

County of Residence of First Listed Defendant Harris County, Tex.  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT  | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|--|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education  | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement      |   |   |   |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from Another District (specify)  
☐ 6 Multidistrict Litigation - Transfer  
☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
29 USC 621, 42 USC 12101, 29 USC 2601

Brief description of cause:

Age/Disability Discrimination and Family and Medical Leave Act Violation

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

IF ANY

N/A

(See instructions):

JUDGE

DOCKET NUMBER

DATE 8/1/16 SIGNATURE OF ATTORNEY OF RECORD

Darren Patin

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JUSTIN BLACK**

*Plaintiff*

**V.**

**ENSCO**

**INTERNATIONAL, INC.**

*Defendant*

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**CIVIL ACTION NO. \_\_\_\_\_**

**PLAINTIFF'S ORIGINAL COMPLAINT**

Plaintiff, Justin Black complains of Ensco International, Inc., defendant, and states as follows:

**I. PARTIES**

1. Plaintiff, Justin Black, is an individual and resident of the state of Oregon who is at least 40 years old. At all times relevant to this suit until his termination in March 2015, he was employed by Ensco, PLC.

2. Defendant, Ensco International, Inc., (hereinafter. "Ensco") is an offshore drilling company. Defendant constitutes an "employer" within the meaning of 29 U.S.C. § 203(d). Ensco is a Delaware Corporation, conducting business in Texas. Defendant may be served with process by serving its registered agent: Energy Service Company, Inc., 1445 Ross Avenue, Suite 2700, Dallas, TX 75202.

## **II. JURISDICTION**

3. The court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 over Plaintiff's claim of age and disability discrimination because these actions arise under federal law via the Age Discrimination in Employment Act, 29 U.S.C. § 621, et. seq., Titles I and V of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et. seq., and the Family Medical Leave Act, 29 U.S.C. § 2601, et. seq.

## **III. VENUE**

4. Venue is proper in the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. § 1331(b)(1) because the acts of discrimination occurred within this district.

5. Plaintiff timely filed a Charge of Discrimination, Charge #460-2016-00701, with the EEOC, a true and correct copy of which is attached as Exhibit A.

6. The EEOC issued a Notice of Right to Sue letter dated May 31, 2016, a true and correct copy which is attached as Exhibit B. Thus, Plaintiff has filed this cause of action within 90 days of receipt of his notice of right to sue.

## **VI. FACTS**

7. Plaintiff Justin Black, who is over forty (40), is a former employee of the defendant.

8. Plaintiff worked as a Shipboard Electronics Technician for more than three years in a department with fifty employees, including himself, and never had any infractions or disciplinary issues.

9. At the time of his termination, Mr. Black was working on an offshore drilling rig and drill ship in the Gulf of Mexico. He was the Senior Electronic Technician in terms of experience.

10. Throughout his employment with Ensco, Mr. Black struggled with alcoholism and its disabling effects, including but not limited to trouble sleeping and eating.

11. In or about February 2015, Mr. Black, informed Ensco of his disability for the first time and his need for impatient treatment.

12. Mr. Black requested three weeks leave under the Family and Medical Leave Act to coincide with his upcoming four weeks of offshore duty as to not miss any work duty.

13. Mr. Black was set to return to work on March 12, 2015, but on or about March 7, 2015, he received a call from his department's captain informing him he was being laid off.

14. On March 17, 2015, Mr. Black received a formal letter from Chris Johnson, Ensco's Vice President of North American Affairs stating that Mr. Black's position was being eliminated due to reduced oil prices and oversupply.

15. Upon further investigation, Mr. Black was informed that his position was the only one purportedly subject to elimination. He later learned his position had been maintained and filled by a much younger employee who was transferred from a different division. That transferred employee's original position was then filled by another employee.

16. Overall, no jobs in Mr. Black's former department were eliminated by Ensco, and Mr. Black was the only person in his crew that was laid off.

## **V. CAUSES OF ACTION**

### **Count One – Violation of Age Discrimination in Employment Act (29 U.S.C. § 621, et. seq.)**

17. The foregoing paragraphs are incorporated by reference for all purposes.

18. The Defendant's conduct as alleged above constitutes age discrimination in violation of the Age Discrimination in Employment Act. The stated reasons for Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

### **Count Two – Violation of Title 1 and V of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101, et. seq.)**

19. The foregoing paragraphs are incorporated by reference for all purposes.

20. The Defendant's conduct as alleged herein constitutes discrimination based on a disability in violation of Titles I and V of the Americans with Disabilities Act of 1990. The stated reasons for Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's discriminatory animus.

### **Count Three – Violation of the Family and Medical Leave Act (29 U.S.C. § 2601, et. seq.)**

21. The foregoing paragraphs are incorporated by reference for all purposes.

22. The Defendant's failure to return the Plaintiff to the same or a nearly identical job upon returning from his appointed leave as alleged herein constitutes a violation of the Family and Medical Leave Act. The stated reasons for Defendant's conduct were not the true reasons, but instead were pretext to hide the Defendant's violation of the Act.

**VI. PRAYER FOR RELIEF**

23. WHEREFORE, the plaintiff requests that the court award him:

- a. General, compensatory, and exemplary damages as are proper, and to which Plaintiff suffered because of the discrimination;
- b. Costs and reasonable attorney's fees incurred with this lawsuit with interest thereon; and
- c. Other damages and further relief as deemed just.

**VII. JURY DEMAND**

The Plaintiff requests trial by jury.

Respectfully submitted,

**PANDIT LAW, LLC.**

By: \_\_\_\_\_

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